

SUBJECT: All CPF E-mail - Guidance on Setting Separation Dates for Disability Retirees
SENT: Monday, 17 December 2001

For Limited Serviced CPFs/MAJCOMs: This E-mail is for your information only.

The purpose of this E-mail is to share guidance received from the Office of Personnel Management (OPM) regarding setting the effective date of separation for employees with approved disability retirements. We requested this guidance because we have had several instances in the past year where management and/or MAJCOMs wanted to keep an employee on the rolls past the end of the pay period in which we received the OPM approval of the disability retirement.

OPM provided the following guidance:

-- Chapter 60, Section 60A6.1-2 of the CSRS and FERS Handbook states when an employee is on annual leave or in a leave without pay (LWOP) status at the time an application for disability retirement is approved, the agency and employee decide which date within the pay period (the one in which the approval notice is received) to use as the date of separation. (OPM plans to strengthen and clarify the language in Chapter 60.)

-- The sick leave rule is more lenient by design and gives both the employee and the agency more flexibility. For many disability retirees, crediting unused sick leave in their annuity computations does not increase their benefits. For many others, sick leave serves them best if they are allowed to exhaust it before they separate. According to the Handbook, these employees must furnish the same evidence of incapacitation as any other employee who requests sick leave.

-- The only negotiation of dates between the agency and the employee is when the notice of approval is received within a pay period. The employee can choose to be separated on any date between the date the approval notice is received and the end of the pay period. This also applies to employees still working when the disability approval is received.

-- By approving an employee's application for disability retirement OPM has determined the employee can no longer do the job. The agency not only has the right to separate the employee, but they have a responsibility to do so.

OPM's guidance is clear. Employees with approved disability retirements may not stay on the rolls past the end of the pay period in which the disability approval notice is received unless the use of sick leave is approved.

If your staff has questions, they should contact BEST via the toll-free CPF phone number. Please refer employees with questions concerning disability retirement to the BEST Employee Line at 1-800-997-2378 or commercial 527-2378 if calling within the San Antonio TX area. Employees overseas should call the toll-free direct access number for their country.

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